



**YOUR
VOICE
AGAINST
VIOLENCE**

9 September 2020

Consumer Affairs Victoria
GPO Box 123
Melbourne VIC 3001
cav.consultations@justice.vic.gov.au

To Whom it May Concern:

Re: Review of real estate education regulations

Thank you for the opportunity to provide feedback into the Review of Real Estate Education Regulations.

Domestic Violence Victoria (DV Vic) is the peak body for specialist family violence response services for victims-survivors in Victoria. As such, DV Vic is recognised as the state-wide voice of Specialist Family Violence Services (SFVSs) responding to victims-survivors. A key function of DV Vic is the provision of family violence subject matter expertise to the SFVS sector, broader sectors, government, and other partners and stakeholders.

In December 2019, DV Vic provided a submission to Consumer Affairs Victoria (CAV) regarding changes to the proposed *Residential Tenancies Regulations 2020* (the Regulations) under the *Residential Tenancies Amendment Act 2018* (Vic) (the Amendment Act) to increase support, protections and housing security for victim-survivors of family violence. These changes are in line with the recommendations of the Victorian Royal Commission into Family Violence. DV Vic supports the changes and the increased protections they will provide for victim-survivors of family violence in private rental accommodation once they are fully implemented.

As recognised in the Family Violence Royal Commission and subsequent amendments made to the *Residential Tenancies Act 1997* (Vic) (the RTA), real estate agents are in a unique position to identify and respond to family violence. As housing providers and landlords, they may be one of the first to become aware of a family violence situation and are well placed to identify risk, refer adult and child victim-survivors to appropriate support services, avoid acting in a way that is punitive and removes perpetrator accountability, and importantly supports safe and secure tenancies.

Therefore, for the full effect of the RTA changes to be realised, it is critical that real estate agents are capable of meeting their obligations under the new legislation and regulations. It is also critical that they have the knowledge and skills required to appropriately respond to victim-survivors and perpetrators of family violence to maximise victim-survivors' safety and perpetrator accountability. DV Vic agrees with the analysis

Domestic Violence Victoria

Tel: [REDACTED] ABN: 77 965 665 912 www.dvvic.org.au

in the Regulatory Impact Statement that the training package listed under Option 3 will increase real estate agents' awareness of their obligations under the RTA and how to appropriately work with vulnerable tenants. We believe that this level of training should be a minimum standard for all real estate agents.

However, due to the emphasis in the RTA about increasing protection and housing security for victim-survivors of family violence, we also believe that real estate agents need to be specifically equipped to understand the needs and vulnerabilities of victim-survivors of family violence in order to ensure their rights are properly protected. To achieve this, DV Vic recommends that, in addition to the training package outlined in Option 3, real estate agents be encouraged to participate in training that aligns them to the [Responding to Family Violence Capability Framework](#) (the Framework) as industry best practice.

The Framework sets out the knowledge and skills required for a range of workforces to be able to appropriately and safely respond to victim-survivors of family violence according to the context in which a worker is likely to come into contact with a victim-survivor. DV Vic recommends that real estate agents align themselves to the Framework as a Tier 4 workforce – workers in universal services/industries. The knowledge and skills required by Tier 4 workforces includes indicators such as, but not limited to:

- knowing the warning signs and risk indicators of family violence,
- knowing a workers' organisational policies and procedures and legislated responsibilities relating to family violence,
- engaging respectfully and non-judgmentally with victim-survivors,
- believing victim-survivors,
- not colluding with perpetrators,
- supporting victim-survivors to understand their rights,
- protecting victim-survivors' confidentiality, and
- knowing how and when to refer to appropriate services.

While it is unrealistic and not appropriate for real estate agents to become family violence experts, amendments made to the RTA make it clear that tenants or household members that experience family violence have a right to expect that real estate agents will respond in a way that ensures their safety. Foundational family violence training that aligns to the skills, knowledge and capabilities required of Tier 4 workforces in the Framework would help ensure that real estate agents have the necessary skills to identify and work appropriately and respectfully with victim-survivors of family violence as a special category of vulnerable tenants with specific risks and needs.

We understand that this review of education regulations for real estate agents is only concerned with the training required for new real estate agents entering the industry and that Continuous Professional Development (CPD) is not in scope. However, we have concerns that without some sort of plan to upskill existing real estate agents to understand their new obligations under the RTA, the industry will be unable to uphold the rights of vulnerable tenants, including victim-survivors of family violence. We therefore recommend that a CPD scheme, tied to ongoing licencing and accreditation requirements, is put in place for the real estate industry. The foundational family violence training required of Tier 4 workforces under the Framework mentioned above should be included in this CPD scheme. Incorporating this training into the

ongoing licencing and accreditation requirements for real estate agents would help ensure that individuals currently working in the real estate industry are upskilled to the same level as new real estate agents and that the real estate industry as a whole is able to protect the tenancy rights of victim-survivors of family violence and meet their legislated obligations under the RTA.

Recommendation: In addition to Option 3 becoming the minimum standard of training for all real estate agents, new and existing real estate agents be encouraged to participate in foundational family violence training that aligns to the requirements for Tier 4 workforces under the *Responding to Family Violence Capability Framework* as part of best practice within the real estate industry.

Recommendation: A CDP scheme for real estate agents be implemented and linked to ongoing licencing and accreditation requirements to ensure that all real estate agents have a clear understanding of their responsibilities under the new RTA regarding how to work with vulnerable tenants, including victim-survivors of family violence. Foundational family violence training should be part of this CDP scheme.

We welcome Consumer Affairs Victoria's and the broader real estate industry's efforts to ensure that real estate agents have the knowledge and skills to protect the rights of victim-survivors and all vulnerable tenants. If you wish to discuss the ideas presented in this letter further, please contact Tania Farha at

[REDACTED]

Sincerely,

[REDACTED]

Tania Farha

CEO